91-149

(1)

Supreme Court, U.S.
FILED
JUL 18 1991
OFFICE OF THE CLERK

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

CLARENCE H. HOLDING, dba,
CLARENCE H. HOLDING & COMPANY, PETITIONER,

VS

SECURITIES DIVISION , SCC of
VIRGINIA, RESPONDENT.

PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT of the UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Clarence Houston Holding
CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
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COUNSEL FOR PETITIONER

25

EDITOR'S NOTE:

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTIONS PRESENTED

1. DOES DISMISSING MR. HOLDING, S CASE FOR NOT FILING THE ASSIGNMENT OF ERRORS IN 10 DAYS THOUGH A MOTION FOR EXTENSION OF TIME WAS FILED BECAUSE OF CHEST PA INS, HOSPITALIZATION, CAR BREAK DOWN CONSTITUTE VIOL ATION OF THE CONSTITUTIONAL RIGHTS OF DUE PROCESS , FAIR TRIAL , EQUAL PROTECTION OF THE LAWS OF MR. HOLDING.

2. DOES THE JUDGES OF THE S.C.C. WHO RULE ON THEIR OWN AGENTS ALLEGATIONS SUCH AS SECURTIES DIVISION, CORPORATION ALLEGATIONS CONSTITUTE A VIOLATION OF THE CONSTITUTIONAL RIGHTS OF THE INDIVIDUAL AND CORPORATION OF DUE PROCESS AND FAIR TRIAL. WHEN THEY SHOULD BE SEPARA TE AND INDEPENDANT OF THE S.C.C.

3. DOES NOT PROVIDING A SPEEDY TRIAL AS IN THE HOLDING CASE CONSTITUTE A VIOLATION OF THE CONSTITUTIONAL RIGHTS UNDER THE 6th AMENDMENT WHOSE CASE WAS ADJUDICATED OVER 1 YEAR FROM THE INCEPTION OF ALLEGATIONS AND UNDER A TEMPORARY INJUNCTION. MR. HOLDING WAS UNABLE TO EARN A LIVING. AND VIOLATION OF DUE PROCESS RIGHTS.

4. DOES THE ORDER OF AUGUST 9, 1990 OF PERMANENT INJUNCTI ON AGAINST MR. HOLDING VIOLATE CONSTITUTIONAL RIGHTS UNDER THE EIGHT AMENDMENT AGAINST CRUEL AND UNUSAL PUNISHMENT WHICH PREVENTS MR. HOLDING FROM EARNING A LIVING AND ALSO VIOLATEB DUE PROCESS RIGHTS, OF 14th AMENDMENT.

5. IS THE CONSTITUTION RIGHTS OF MR. HOLDING DUE PROCESS OF 14th AMENDMENT BY THE SECURITIES DIVISION NOT PROVIDING THE NAMES OF WITNESSES WHAT THEY WOULD TESTIFY WHO MADE ALLEGATIONS OF WRONG DOING AGAINST MR. HOLDING SO MR. HOLDING WOULD KNOW WHO THEY WERE AND SO MR. HOLDING COULD DEPOSE THEM FOR HIS DEFENSE. VIOLATION ALSO OF FAIR TRIAL, EQUAL PROTECTION OF THE LAWS.

6. MOST IMPORTANT DOES JOHN PARTHUM INVESTIGATOR, LEWIS BROTHERS DIRECTOR AND OTHERS OF HIS STAFF HAVE A RIGHT TO HAVE MR. HOLDING ARRESTED AND CHARGED WITH A FELONY OF EMBEZZLEMENT WHEN MR. HOLDING WAS INNOCENT AS PROVED BY THE DECISION OF JUDGE HYDE OF THE GENERAL DISTRICT COURT OF ESSEX COUNTY ON JANUARY 11, 1990 NOT GUILTY. BROTHERS , PARTHUM , ZEIGLER OF THE SECURITIES DIVISION ARE CO CONSPIRATORS AGAINST MR. HOLDING . VIOLATION OF DUE PROCESS.

RULE 14 (b)

THE NAMES OF ALL PARTIES APPEAR IN THE CAPTION OF THE CASE.

TABLE OF AUTHORITIES

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CASES

APPLICABLE CASES THERETO

RULES AND STATUTES

APPLICABLE RULES AND STATUTES AND AMENDMENTS

OTHER SOURCES

UNITED STATES CONSTITUTION

CONSTITUTION AMENDMENTS

5th Amendment, right to know accusers, etc

6th AMENDMENT OF THE UNITED STATES CONSTITUTION

8th AMENDMENT OF THE UNITED STATES CONSTITUTION

14 th AMENDMENT OF THE UNITED STATES CONSTITUTION

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PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES SUPREME COURT IN

WASHINGTON , D.C.

PETITIONER, CLARENCE H. HOLDING RESPECTFU LLY PRAYS IN THE INTEREST OF JUSTICE THAT A WRIT OF CERTIORARI BE ISSUED TO REVIEW THE JUDGMENT AND OPINIONS OF THE SUPREME COURT OF VIRGINIA AND THE JUDGMENTS AND OPINIONS OF THE S.C.C OF VIRGINIA . SUPREME COURT OF VIRGINIA DATED 1/31/91 REHEARING 4/19/91. S.C.C 8/9/90 , 8/27/90 REHEAR ING DENIED OF THE S.C.C.

OPINIONS BELOW

THE OPINION OF THE SUPREME COURT OF VIRGINIA ON JANUARY 31,1991 , REHEARING ON APRIL 19,1991 ; S.C.C. OF VIRGINIA AUGUST 9,1990, REHEARING AUG UST 27,1991 DENIAL . APPENDIX A,B,C,D .

JURISDICTION

RULE 10 CONSIDERATIONS GOVERNING REVIEW ON WRIT OF CERTIORARI.1 A REVIEW OF CERTIORARI ON WRIT IS NOT A MATTEROF RIGHT, BUT OF JUDICIAL DISCRETION. A PETITI ON FOR WRIT OF CERTIORARI WILL BE GRANTED ONLY WHEN THERE ARE SPECIAL AND IMPORTANT REASONS THEREOF. THE

FOLLOWING, WHILE NEITHER CONTROLLING NOR FULLY MEASURING THE COURT,S DISCRETION, INDICATE THE CHARACTER OF REASONS THAT WILL BE CONSIDERED :

(a) ..... ; OR HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDIN GS, OR SANCTIONED SUCH A DEPARTURE BY A LOWER COURT, AS TO CALL FOR AN EXERCISE OF THIS COURT,S POWER OF SUPERVISION .

(b) WHEN A STATE COURT OF LAST RESORT HAS DEC IDED A FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE DECISION OF ANOTHER STATE COURT OF LAST RESORT OR OF A UNITED STATES COURT OF APPEALS.

(c) WHEN A STATE COURT OR A UNITED STATES COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW WHICH HAS NOT BEEN, BUT SHOULD BE, SET TLED BY THIS COURT, OR HAS DECIDED A FEDERAL QUES TIONEIN A WAY THAT CONFLICTS WITH APPLICABLE DEC ISIONS OF THIS COURT. MR. HOLDINGD PRAYS FOR JUSTICE AND DISCRETION OF COURT.

MR. HOLDING INVOKES ALL OF THE REASONS HERE FORE STIPULATED AND THE QUESTIONS FOR REVIEW ARE VALID AND IMPORTANT FOR THE JUSTICE OF INDIVIDUALS AND CORPORATIONS ALIKE AND TO PROTECT THE CONSTIT IONAL RIGHTS PROTECTED BY THE CONSTITUTION SO DEAR TO HUMANITY AND CIVILIZATION.STRONGLY (2) ABOVE.

JUDGMENTS SOUGHT TO BE REVIEWED

THE DATE OF THE ENTRY OF THE JUDGMENT OR DECREES SOUGHT TO BE REVIEWED ARE:

SUPREME COURT OF VIRGINIA JANUARY 31,1991
SUPREME COURT OF VIRGINIA APRIL 14,1991, RE HEARING. DENIED

S.C.C. AUGUST 9, 1990 /REHEARING
S.C.C. REHEARING AUGUST 27,1990 REARING DE NIDED .

THE STATUTE PROVISIONS AND ALL AMENDMENTS ARE RELIED ON.

THE CONSTITUTIONAL PROVISIONS ENVOLVED

1.14th AMENDMENT , DUE PROCESS, FAIR TRIAL , EQUAL PROTECTION OF THE LAWS . SET FORTH IN THE 1st QUESTION BEFORE THE COURT . IN APPEAL TO VIRGINIA STATE SUPREME COURT . SET FORTH IN THE S.C.C. LOWER COURT , NO2 OF QUESTIONS FOR REVIEW. NO. 3 OF QUESTIONS PRESENTED. NO. 4 OF QUESTIONS PRESENTED. NO. 5 OF QUESTIONS PRESENTED . NO. 6 OF QUESTIONS PRESENTED. 14th, 8th, 6th AMENDMENT SET FORTH IN THE BOTH THE SUPREME COURT OF VIRGINIA AND LOWER CT. SCC.

2. 6th AMENDMENT . QUESTION NO. 3 SPEEDY TRIAL.
4. 5th amendment right to know the accusers.
3. 8th AMENDMENT QUESTION PRESENTED IN no. 4. CRUEL AND UNUSAL PUNISHMENT.

CONCISE STATEMENT OF THE CASE AND FACTS.

FACTS MATERIAL TO THE CONSIDERATION OF THE QUES IONS PRESENTED ARE HEREBY SET FORTH : A REVIEW OF A JUDGMENT OF A STATE COURT IS SOUGHT, THE STATEMENT OF OF THE CASE WILL SPECIFY IN THE PROCEEDINGS, BOTH IN THE COURT OF FIRST INSTANCE AND IN THE APPELLATE COU RTS , AT WHICH THE FEDERAL QUESTIONS TO BE REVIEWED WERE RAISED; THE METHOD OR MANNER OF RAISING THEM

AND THE WAY IN WHICHTHEY WERE PASSED UPON BY THESE COURTS;AND SUCH PERTINENT QUOTATIONS OR SPECIFIC POR TIONS OF THE RECORD OR SUMMARY THEREOF, WITH SPECIFIC REFERENCE TO THE PLACE IN THE RECORD WHERE THE MATTER APPEARS(e.g., RULING ON EXCEPTION, PORTION OF COURT,S CHARGE AND EXCEPTION THERETO , ASSIGNMENT OF ERRORS) AS WILL SHOW THAT THE FEDERAL QUESTION WAS TIMELY AND PROPERLY RAISED SO AS TO GIVE THIS COURT JURISDICTION TO REVIEW THE JUDGMENT ON A WRIT OF CERTIORARI.

THE QUESTIONS PRESENTED SHOW THAT THE FEDERAL QUESTIONS WERE RAISED IN THE S.C.C. COURT , LOWER COURT , NO ACTION WAS TAKEN UPON RAISING THE FEDERAL QUESTIONS . THE QUESTIONS PRESENTED SHOW THAT THE FEDERAL QUESTIONS WERE RAISED IN THE SUPREME COURT OF VIRGINIA. NO ACTION WAS TAKEN BY THE SUPREME COURT OF VIRGINIA.

FACTS OF THE CASE

MR. HOLDING IS A MAN ALMOST 71 YEARS OLD. MR. HOL DING FOR THE PAST 43 YEARS HAS OWNED AND OPERATED A BROKERAGE SECURITIES FIRM IN VIRGINIA TO 1973 AND IN NORTH CAROLINA TO 1988. FOR THE PAST 35 YEARS MR. HOL DING HAS HAD SERVERE HEART TROUBLE .HAVING ONE HEART ATTACK AFTER ANOTHER .WITH NO IMPROVEMENT WITH MED ICATION AND FOLLOWING CLOSE DOCTORS CARE AND ADVICE.

OPEN HEART SURGERY BECAME AVAILABLE IN JULY 1977. MR. HOLDING HAD OPEN HEART SURGERY , BUT WITH NO SUCCESS . SUBSEQUENTLY 2 MORE OPEN HEART BYPASS SURGERIES WERE PERFORMED WITH NO IMPROVEMENT. FINALLY IN OCTOBER 1, 1987 A MIRACLE DRUG BECAME AVAILABLE PUT OUT BY MERCK COMPANY. IMPROVEMENT BEGAN IMMEDIATELY FROM AN INVALID TO PROMISE I WOULD LIVE. HALELOUYA.

INADVERTENTLY MR. HOLDING FORGOT TO RENEW HIS BROKERAGE FIRM LICENSES. MR. HOLDING FEELING A LITTLE BETTER DECIDED HE WOULD SEE SOME OF HIS OLD CLIENTS OF OVER 35 YEARS AND A FEW NEW ONES. THEY NEEDED HELP FOR THEIR FINANCIAL NEEDS SO I HELPED THEM.

SOME TIME IN SEPTEMBER 1989 JOHN W. PARTHUM BY AFFIDAVIT FALSELY MADE ALLEGATIONS I VIOLATED TWO SECTIONS OF THE CODE.

MR. HOLDING VIGOROUSLY OBJECTED TO THE ALLEGATIONS AND DENIED THEM, ASK FOR STRICT PROOF.

THE SCC ISSUED A TEMPORARY INJUNCTION /FOR 90 DAYS /BASED SOLELY UPON THE AFFIDAVIT OF JOHN W. PARHTUM , SENOIR SECURITIES INVESTIGATOR. MR. HOLDING OBJECTED AND MADE A MOTION TO LIFT THE ENJUNCTION . DENIED.

MR. HOLDING PREPONDED INTERROGATIVES AND DEMAND FOR DOCUMENTS. DENIED.

MR. HOLDING MADE A MOTION AND REQUEST FOR WIT NESSSES NAMES AND WHAT THEY MIGHT TESTIFY TO, DENIED .

/SION
SECURITIES DIVIS ASK FOR AND RECEIVED AN ENLARGEMENT OF THE INJUNCTION ON DECEMBER 12, 1989 UNTIL APRIL 1990, CLAIMED THEY WERE THEIR NOT COMPLETED/INVESTIGATION, MR. HOLDING OBJECTED. DENIED .

MR. HOLDING MADE SECOND REQUEST FOR NAMES OF WITNESSES , WHAT THEY WOULD TESTIFY ABOUT AND DOCUMENTS . AGAIN DENIED .

MR. HOLDING MADE MOTION AGAIN TO VACATE AND DISMISS THE TEMPORARY INJUNCTION. ON THE GROUNDS OF THE INTENTIONAL, FALSE FRAUDULENT ALLEGATIONS OF JOHN W. PARTHUM AND REFUSAL TO DELIVER THE NAMES OF THE WITNESSES AND TESTIMONY AND DOCUMENTS. DENIED.

MR. HOLDING MADE MOTION TO JUDGE PRESTON SHANN ON/TO VACATE AND DISMISS THE INJUNCTION. DENIED. /1/12/90

SCC SECURITIES DIVISION FILED MOTION TO SHOW CAUSE ON APRIL 17, 1990. HOLDING MADE RESPONSES DENYING THE ALLEGATIONS AND ASK FOR IMMEDIATE VACATE AND DISMISSAL OF THE INJUNCTION AND ALLEG ATIONS 7/12/90

MR. HOLDING OFFERED MUTUAL ACCORD. DENIED.

JOHN W. PARTHUM , LEWIS BROTHERS, MAX ZEIGLER HAD JOHN W. PARTHUM GO DOWN TO SHERIFF OFFICE ESSEX COUNTY AND COMMONWEALTH ATTORNEY ARREST ED MR. HOLDING FOR EMBEZZLEMENT OF $10,000 FROM MADELINE WATTS WHILE MR. HOLDING WAS IN THE HOSPITOL WITH CHEST PAINS AND HERNIA OPERATION, ON AUGUST 18, 1989 . THE CASE WAS DISMISSED BY JUDGE HYDE ON JANUARY 11, 1990. MR. HOLDING OBJECTED TO THE HARSH FALSE ALLEGATIONS AND FALSE ARREST. JOHN W.PARTHUM , LEWIS BROTHERS , THE DIRECTOR, MAX ZIEGLER ARE ALL CO CONSPIRATORS IN THE FALSE ARREST AND ALLEGATIONS.

MR. HOLDING RECEIVED THE NAMES OF WITNESSES AND WHAT THEY MAY TESTIFY ABOUT 12 DAYS BEFORE/B FINAL HEARING ON JULY 31, 1990. TO LATE TO DEPOSE THE SAID WITNESSES FOR MR. HOLDING,S DEFENSE.MR. HOLDING MADE MOTION TO CONTINUE TO GIVE HIM TIME TO DEPOSE THE WITNESSES . DENIED.

FINAL ORDER AUGUST 9, 1990 . HOLDING OBJECTED. DENIED , HOLDING MOTION FOR REHEARING AND RECONSIDERATION . DENIED BY SCC. 8/27/90.

HOLDING APPEAL NOTICE AUGUST 31, 1990.

APPEAL OF RIGHT WAS DENIED 1/31/91.

HOLDING MOTION FOR REHEARING . DENIED 4/16/91.

HOLDING GAVE NOTICE OF APPEAL APRIL 29,1991.

MR. HOLDING HAS OWNED A BROKERAGE SECURITIES FIRM FOR THE PAST 43 YEARS WITHOUT ANY COMPLAINTS FROM THE INVESTORS . ALL INVESTORS OF MR. HOLDING IN THAT TIME FRAME HAVE MADE HANDSOME PROFITS . NO ONE HAS LOST ANY MONEY IN THAT PERIOD. I THINK THAT IS AN EXCEPTIONAL RECORD FOR A BROKERAGE FIRM MR. HOLDING OWNED AND MANAGED.

AFFIDAVITS OF CLIENTS ARE IN THE FILE AS TO THE INTEGRITY, SINCERITY , HONESTY , KNOWLEDGE AND PROFESSIONAL SKILLS OF MR. HOLDING OVER THE YEARS.

MR. HOLDING HAS IMPECABLE INTEGRITY , CHARACTER , HONOR , DIGNITY, RESPECT FOR FELLOWMAN, CONSTANT DESIRE TO SERVE HUMANITY AND THEIR NEEDS, VERY DEDICATED TO HIS PROFESSIONAL LIFE IN FINANCE AND SECURITIES. HE IS A COLLEGE GRADUATE, LAW, GRADUATE WORK AND DEGREES IN ECONOMICS, SECURITY ANALYSIS, FINANCE, SECURITIES ETC.MR. HOLDING IS NON COMPROMISING IN EVERY RESPECT OR THING.

REASONS FOR GRANTING OF THE WRIT

THIS CASE PROVIDES THIS COURT WITH AN OPPOR

TUNITY TO REVIEW THE DUE PROCESS , FAIR TRIAL, EQUAL PROTECTION DOCTRINE OF THE 14th AMENDMENT OF THE CONSTITUTION.

IN THE SUPREME COURT OF VIRGINIA DECISION OF APPEAL OF RIGHT, BECAUSE HOLDING WAS IN THE HOSPITAL WITH CHEST PAINS AND BROKEN DOWN CAR TRANSMISSION AND POWER STERRING, DISMISSED THE APPEAL OF RIGHT. THE FILING OF ASSIGNMENT OF ERRORS IN 10 DAYS WAS LATE ALTHOUGH A MOTION TO EXTEND THE TIME WAS FILED BUT NEVER CONSIDERED BY THE COURT. MR. HOLDING, S DUE PROCESS RIGHTS , FAIR TRIAL , EQUAL PROTECTION /OF THE LAWS WERE VIOLATED.

IN THE LOWER COURT OF S.C.C. OF VIRGINIA THIS CASE PROVIDES THIS COURT WITH THE OPPORTUNITY TO ESTABLISH THE CONSTITUTIONALITY OF THE STATE CORPORATION COMMISSION JUDGES WHO RULE ON THE REGULATIONS, EMPLOYEES, REGULATORS, INSPECTORS, EXAMINERS AND ALL MATTER PERTAINING TO S.C.C. IN VIRGINIA. THEY ARE ENVOLVED IN THE OPERATIONS OF THE S.C.C DAILY AND CONSULTED BY SAME. IT IS IMPOSSIBLE FOR THE JUDGES TO GIVE A FAIR, UNBIASED , UNPREJUDICED OPINION OF THEIR OWN DOINGS AND ACTIVITY IN RUNNING S.C.C. THEREFORE IS UNCONSTITUTIONAL AND SHOULD BE CORRECTED. THE 3 JUDGES SHOULD BE INDEPENDANT ~~AND~~

AND SEPARATE OF THE S.C.C. IN THE CASE BEFORE THIS COURT 1 OBSTAINED AND 2 CONFIRMED THE WRONG DECISION . WHICH IS APPEALED. THEREFORE THE COURT SHOULD REVIEW.

IN THE CASE AT BAR A SPEEDY TRIAL WAS NOT PRO VIDED MR. HOLDING FROM NOTICE , THE TEMPORARY INJUNCTION, A PERIOD OF OVER 1 YEAR ELASPED. MR. HOLDING MADE MOTIONS SEVERAL TIMES TO DISMISS THE INJUNCTION AND ACTION. MR. HOLDING WITH 43 YEARS OF OWNER AND MANAGER OF A SECURITIES BROKERA GE FIRM WAS DENIED TO OPERATE HIS BROKERAGE FIRM AND TO EARN A LIVING . WITH THE PERMANENT INJUNCT ION 2 YEARS HAS ELASPED WHICH HAS PREVENTED MR. HOLDING FROM OPERATING HIS FIRM AND TO EARN A LIV ING. THEREFORE THE 6th AMENDMENT OF SPEEDY TRIAL AND DUE PROCESS WERE VIOLATED. THE COURT SHOULD REVIEW THIS .

CONSIDERING THE ORDER OF SCC AUGUST 9,1990 of PERMANENT INJUNCTION WHICH BARS MR. HOLDING FROM PRACTISING HIS PROFESSION OF 43 YEARS IN VIRGINIA , BUT ALSO IN THE ENTIRE COUNTRY. THE THE SECURITIES AND EXCHANGE COMMISSION IN WASH INGTON , D.C. HAS IN MARCH 29, 1991 GRANTED REG ISTRATION TO MR. HOLDING AND HIS FIRM CLARENCE HOUSTON HOLDING PURSUANT TO SEC 15 b OF THE SEC ACTON 2/14/91.

THE PERMANENT INJUNCTION OF VIRGINIA THOUGH

STILL IN EFFECT UNTIL THE INJUNCTION IN VIRGINIA IS VACATED, MR. HOLDING CANNOT DO BUSINESS ANY WHERE. THIS PREVENTS MR. HOLDING FROM ~~PRCTING~~ PRACTISING HIS PROFESSION AND DOING BUSINES AND PREVENTS HIM FROM EARNING A LIVING. THE PERMANENT INJUNCTION NEARLY OVER 2 YEARS OLD WITH THE TEMPORARY, VIOLATES MR. HOLD ING, S CONSTITUTIONAL RIGHTS OF DUE PROCESS AND THE RIGHT TO HIS PROFESSIONAL WORK , AND THE RIGHT TO EARN A LIVING . THE COURT SHOULD REVIEW THIS IN- JUSTICE. I THINK IT SHOUDD BE VACATED .

THE CASE GIVES THIS COURT AN OPPORTUNITY TO REVIEW THE SCC RULING WHICH VIOLATED THE 5th AMEN MENT RIGHT TO KNOW THE ACCUSERS WHERE MR. HOLDING WAS DENIED, SO HE COULD ALSO DEPOSE THEM FOR HIS DEFENSE AND VIOLATED THE DUE PROCESS RIGHTS IN NOT PROVIDING THE SAME. THIS COURT SHOULD REVIEW THIS.

THIS COURT SHOULD REVIEW , A VERY SACRED RIGHT . LEWIS BROTHERS/DIRECTOR, MAX SIEGLER/ ENFORCEMENT C. EXAMINER JOHN W. PAR THUM/ CO-CONSPIRATORS AND ALSO CONSPIRATORS HAD MR. HOLDING ARRESTED ON A FELONY EMBEZZLEMENT CHARGE WHICH MR. HOLDING WAS INNOCENT. JUDGE HYDE OF ESSEX GENERAL DISTRICT COURT RULED ON JANUARY 11, 1990 NOT GUILTY . THIS HEINOUS ACT OF S.C.C. VIOLATED EVERY CONSTITUTIONAL RIGHT

IN THE CONSTITUTION , PLUS DUE PROCESS. THE ACT IONS OF S.C.C. HAS CAUSED MR. HOLDING , GREAT HUMILIATION , EMBARRASSMENT, SUFFERING , PERMANENT DAMAGES, AND IRREPARABLE INJURIES WHICH ARE LIFE TIME INJURIES, WHEN MR. HOLDING HAS AN IMPECCABLE RECORD OF INTEGRITY , CHARACTER , HONOR, PERSONAL ITY GOOD LIFE FOR ALMOST 71 YEARS WITH NO COMPLA INTS OR CHARGES AGAINST HIM . THIS DEFINITELY SHOULD BE REVIEWED BY THIS COURT. PROPER ACTION SHOULD BE TAKEN TO CORRECT THIS AND SO MR. HOLDING NOR ANY OTHER PERSON BE SUBJECTED TO THIS INJUSTICE. INTEGRITY, HONOR , CHARACTER IS ALL ANY PERSON HAS , AND WHEN DESTROYED OR DAMAGED YOU HAVE ABSOLUELY NOTHING LEFT .

MR. HOLDING IS WELL EDUCATED WITH A DEGREE IN HISTORY, GOVERNMENT , LAW, GRADUATE DEGREES IN ECONOMICS, INVESTMENTS, SECURITY ANALYSIS, FINANCE, FINANCIAL PLANNING, TRADING ON NEW YORK STOCK EXCHANGE., ASSOCIATE MEMBER OF NYSE.

YES, THERE ARE MANY TRUE REASONS AS SHOWN AND OTHERS NOT MENTIONED FOR GOOD CAUSES SHOWN AND TO ATTAIN THE END TO FAIR , DECENT , TRUE JUSTICE , A WRIT OF CETIORARI SHOULD BE ISSUED TO REVIEW .

CONCLUSIONS

THIS CASE PRESENTS IMPORTANT NECESSARY CONST

ITUTIONAL ISSUES AND RIGHTS REGARDING THE INDIVID UAL, THE CORPORATION GUARANTEED BY THE CONSTITUTION AND DESERVES THE ATTENTION AND HELP OF THE COURT. THIS COURT HAS THE OPPORTUNITY TO ESTABLISH AND CLARIFY THE BOUNDARIES, LAWS, REGULATIONS OF SACRED RIGHTS GUARANTEED BY THE 5th, 6th, 8th, 14th AMENDM ENTS OF THE UNITED STATES CONSTITUTION, AND IT IS WRITTEN THIS COURT HAS THE JURISDICTION, POWER TO REGULATE , PROTECT AND GUIDE THE INALIENABLE RIGHTS OF LIFE, PROPERTY, LIBERTY , AND THE PURSUIT OF HAPPINESS , DUE PROCESS, SO DEAR TO ALL OF US IN SOCIETY AND CIVILIZATION .

WHEREFORE, FOR ALL GOOD WORTHY, TRUTHFUL CAUSES SHOWN ABOVE AND TO ATTAIN THE ENDS OF TRUE ADMIRABLE PERMANENT JUSTICE THE APPELLANT PRAYS WITH ALL SINCERITY A WRIT WILL BE ISSUED AND JUDGMENT, SO JUSTICE CAN AND WILL PREVAIL .

Clarence Houston Holding

RESPECTFULLY SUBMITTED ,

Clarence Houston Holding

CLARENCE HOUSTON HOLDING
ROUTE 1 BOX 2
MOUNT PLEASANTPLANTATION
HAGUE , VIRGINIA 22469
804 472 2026

CLARENCE HOUSTON HOLDING

COUNSEL FOR APPELLANT

COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

I CERTIFY I SENT POSTAGE PAID 3 COPIES OF PETITION FOR WRIT ON 7/18/91. POSTAGE PAID .

Clarence Houston Holding

CLARENCE HOUSTON HOLDING

13.

COUNSEL FOR APPELLANT.

V I R G I N I A

IN THE SUPREME COURT AT RICHMOND

CLARENCE H. HOLDING, dba CLARENCE H. HOLDING & COMPANY, APPELLANT,

RECORD NO902632

V. SCC SEC 890180

SECURITIES DIVISION, SCC OF VIRGINIA, APPELLEE.

NOTICE OF APPEAL

COMES NOW CLARENCE H. HOLDING ,dba CLARENCE H. HOLDING & COMPANY , PURSUANT TO RULE 5:41 OF SUPREME COURT AND AMENDMENTS DOTH FORTWITH HEREBY GIVES NOTICE OF APPEAL ON THIS 29th APRIL,1991 TO THE UNITED STATES SUPREME COURT IN WASHINGTON , D.C. FROM AN ORDER DATED 19th APRIL 1991 ON A PETITION FOR REHEARING TO SET ASIDE AN ORDER RENDERED ON JANUARY 31,1991.

RESPECTFULLY SUBMITTED,

COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

I certify I sent postage paid A COPY TO COUNSEL FOR APPELLEE ON APRIL 29th ,1991.

CLARENCE HOUSTON HOLDING ,

COUNSEL FOR APPELLANT

V I R G I N I A

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUPREME COURT BUILDING IN RICHMOND ON THURSDAY THE 31st day of JANUARY , 1991 .

CLARENCE H. HOLDING, dba CLARENCE H. HOLDING & COMPANY, APPELLANT,

AGAINST RECORD NO. 901632
SCC SEC 890180

COMMONWEALTH OF VIRGINIA, ex rel.
STATE CORPORATION COMMISSION, APPELLEE.

UPON AN APPEAL OF RIGHT FROM ORDERS ENTERED BY THE SCC ON AUGUST 9,27, 1990.

ON JANUARY 14,1991 CAME THE APPELLEE BY COUNSEL, FILED A MOTION PRAYING THAT THE COURT DISMISS THE APPEAL OF RIGHT IN THIS CASE.

THEREUPON CAME THE APPELLANT IN PROPER PERSON, AND FILED A RESPONSE IN OPPOSITION TO SAID MOTION.

ON CONSIDERATION WHEREOF, THE MOTION TO DISMISS IS GRANTED , AND IT IS ORDERED THAT THE APPEAL OF RIGHT AWARDED IN THIS CASE BE AND THE SAME HEREBY IS DISMISSED . RULE 5:21(i) . ORDER CERTIFIED TO SCC.

A COPY,

TESTE:

DAVID B. BEACH

CLERK .

B

V I R G I N I A:

IN THE SUPREME COURT OF VIRGINIA HELD AT THE SUPREME COURT BUILDING IN RICHMOND ON FRIDAY THE 19th APRIL, 1991.

CLARENCE H. HOLDING, dbaCLARENEE H. HOLDING & COMPANY ,

APPELLANT,

AGAINST RECORD NO. 901632
SCC NO. SEC890180

COMMONWEALTH OF VIRGINIA, EX REL.
STATE CORPORATION COMMISSION, APPELLEE.

UPON A PETITION FOR REHEARING

ON CONSIDERATION OF THE PETITION OF THE APPELLANT TO SET ASIDE THE JUDGMENT RENDERED HEREIN ON THE 31st OF JANUARY ,1991 AND GRANT A REHEARING THEREOF , THE PRAYER OF THE SAID PETITION IS DENIED .

A COPY ,

TESTE :

DAVID B. BEACH

CLERK

COMMONWEALTH OF VIRGINIA, SCC

AT RICHMOND AUGUST 9,1990

COMMONWEALTH OF VIRGINIA , EX REL
STATE CORPORATION COMMISSION

V. CASE NO.SEC 890180

CLARENCE H. HOLDING, dba CLARENCE H. HOLDING
& COMPANY, DEFENDANT.

FINAL ORDER AND JUDGMENT

BY ORDER ENTERED HEREIN ON SEPTEMBER 19,1989 ,CLA-
INDIVIDUALLY,AND dbaCLARENCE H.HOLDING
RENCE H. HOLDING & COMPANY("HOLDING""OR DEFENDANT") WAS TEMPORARILY ENJOINED FROM OFFERING OR SELLING SECURITIES IN VIOLATION OF VIRGINIA CODE SEC 13.1-502 or13.1-504. THE TEMPORARY INJUNCTION WAS ENLARGED BY ORDER DATED12/15/1989. ON APRIL 17,1990, THE COMMISSION ISSUED RULE TO SHOW CAUSE , SCHEDULED A HEARING JUNE 21,1990, AND CONTINUED THE TEMPORARY INJUNCTION. ON DEFENDANT,S MOTION, HEARING DATE WAS CONTINUED TO JULY 31,1990 .AT THE HEARING ,DIVISION OF SECURITIES AND RETAILING WAS REPRESENTED BY ITS COUNSEL AND DEFENDANT APPEARED PRO SE.

THE COMMISSION , BASED UPON EVIDENCE, IS OF OPINION AN D FINDS:

(1) THAT BETWEEN APRIL 1988 AND JUNE 1989, CLARENCE H. HOLDING TRANSACTED BUSINESS IN THE COMMONWEALTH AS A BRO KER DEALER UNDER THE NAME CLARENCE H. HOLDING AND COMPANY

D.

AND, INDIVIDUALLY, TRANSACTED BUSINESS IN COMMONWE ALTH AS AGENT OF CLARENCE H. HOLDING & COMPANY:

(2) CLARENCE H. HOLDING & COMPANY HAS NOT BEEN REGISTERED AS BROKER DEALER UNDER VIRGINIA SECURITIES ACT SINCE 1973.

(3) THAT CLARENCE H. HOLDING IS NOT , AND NEVER HAS BEEN REGISTERED AS AN AGENT UNDER THE ACT .

(4)THAT BETWEEN APRIL 1988 AND JUNE 1989, HOLDING OFFERED AND SOLD IN VIRGINIA SECURITIES IN THE FORM(i) OF SHARES OF PUTNAM GROWTH AND INCOME FD, A MUTUAL FUND WHOSE SHARES WERE REGISTERED UNDER THE VA. SEC. ACT AT THE TIME OF THE OFFERS AND SALES (ii) UNITS OF 3 NUVEEN TAX EXEMPT UNIT TRUST , WHICH WERE REGISTERED UNDER THE ACT AT THE TIME OF THE OFFERS AND SALES.

(5) THAT THE AFORESAID OFFERS AND SALES INVOLVED 15 VIRGINIA RESIDENTS AND FOURTEEN SEPARATE TRANSACTIONS.

(6) THAT CLARENCE H. HOLDING ADMITTED IN HIS RESPONSE THAT HE ENGAGED IN SUCH OFFERS AND SALES WHEN CLARENCE H, HOLDING & COMPANY WAS NOT REGISTERED AS A BROKER DE ALER, AND HE WAS NOT REGISTERED AS AGENT.

(7) THAT IN THE OFFER AND SALE OF SHARES OF PUTNAM FUND TO WILLIAM TURPIN, CLARENCE H. HOLDING OMITTED TO STATE A MATERIAL FACT NECESSARY IN ORDER TO MAKE STATE MENTS MADE , IN LIGHT OF CIRCUMSTATNCES UNDER WHICH

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THEY WERE MADE, NOT MISLEADING, SO THAT WILLIAM TRUPIN WAS THEREBY MISLEAD INTO BELIEVING THAT INTEREST AND/OR DIVIDENDS PAID ON A $25,000 INVESTMENT IN PUTNAM FUND WOULD PROVIDE A MONTHLY INCOME OF $450 PER MONTH

(8) THAT THE AFORESAID ACTIVITIES CONSTITUTE ONE (1)VIOLATION OF VA, CODE SEC 13.1-502 AND FOURTEEN VIOLATIONS OF VIRGINIA CODE SEC. 13.1 504.

(9) THAT HOLDING SHOULD BE PERMANENTLY ENJOINED FROM COMMITTING SUCH ACTS IN THE FUTURE AND SHOULD BE PENALIZED $250 FOR HAVING VIOLATED VA. CODE SEC13.1-502 ON ONE OCCASION AND $250 FOR HAVING VIOLATED VA. CODE SEC 13.1-504 ON FOURTEEN OCCASIONS;IT IS , THEREFORE ORDERED:

(1) THAT PURSUANT TP VA. CODE SEC13.1 -519, THE TEMPORARY INJUNCTION ENTERED AGAINST HOLDING ENJOINING HIM FROM DIRECTLY OR INDIRECTLY OFFERING OR SELLING ANY SECURITIES IN VIOLATION OF VA. CODE SEC 13.1-502 OR13.1-504 BE, AND IT HEREBY IS MADE PERMANENT :

(2) THAT PURSUANT TO VA. CODE 13.1-521, HOLDING BE, PENALIZED $250 FOR HAVING VIOLATED VA CODE SEC 13.1-502 ON ONE OCCASION AND $250 FOR HAVING VIOLATED VA. CODE 13.1-504 ON 14 OCCASIONS , FOR A TOTAL OF $500 AND THE COMMONWEALTH RECOVER SAID AMOUNT:

(3) THERE APPEARS NOTHING FURTHER TO BE DONE IN THIS PROCEEDING , THIS CASE CAN BE DISMISSED FROM THE DOCKET AND THE PAPERS PLACED IN THE FILE FOR ENDED CAUSES .

ATTESTED COPIES SHALL BE SENT BY REGULAR AND CERTIFIED MAIL RETURN RECEIPT , TO CLARENCE H. HOLDING ROUTE 1 BOX 2 , HAGUE , VA. 22469.

A TRUE COPY

TESTE: GEORGE W. BRYANT ,JR.

CLK SCC.

G.